

DOUG LAMBORN
5TH DISTRICT, COLORADO

COMMITTEE ON ARMED SERVICES

COMMITTEE ON NATURAL RESOURCES

RANKING MEMBER,
ENERGY AND MINERALS

COMMITTEE ON VETERANS' AFFAIRS

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July 21, 2010

Governor Bill Ritter, Jr.
136 State Capitol Building
Denver, CO 80203

Mr. Steve Erkenbrack
President and CEO, Rocky Mountain Health Plans
2775 Crossroads Blvd.
Grand Junction, Colorado 81506

Dear Governor Ritter and Mr. Erkenbrack:

On September 1, 2010, GettingUSCovered will begin offering healthcare coverage to individuals in Colorado with pre-existing conditions through the federal government's high-risk pool program as a result of the Patient Protection and Affordable Care Act (PPACA). As GettingUSCovered prepares for this deadline, it is important that policies do not direct any federal taxpayer funding to cover abortion in Colorado.

It has come to my attention that both Pennsylvania and Maryland have publicly announced on their websites that plans to administer their federally subsidized high-risk pools would cover abortions. In addition, New Mexico posted a draft summary of its high-risk pool services last week, and the draft summary listed elective abortion as a part of its covered services.

Taking into consideration proposals in Pennsylvania, Maryland, and New Mexico, I write to ask for your assurance that plans offered in the State of Colorado through the federally-funded high-risk pool, GettingUSCovered, will not go against U.S. and Colorado policy of not funding elective abortion at taxpayer expense.

Since 1976, the Hyde Amendment, a legislative provision prohibiting the use of federal funds for abortion, has been attached to appropriations bills that fund the Department of Health and Human Services (HHS). Although the Hyde Amendment is not permanent law, it does reflect the will of Congress on the issue of federal funding of abortion.

President Obama made a public promise that taxpayer funding of abortion would not be a part of programs created under healthcare reform. However, a questionable compromise was reached through an Executive Order on the issue of federal funding of abortion, and this fact has been brought to light in one of the first stages of implementing the Patient Protection and Affordable Care Act (PPACA).

According to the Department of Health and Human Services (HHS) spokesperson, Jenny Backus, abortions will not be covered in the federally-funded high risk pools except in the cases of rape or incest, or where the life of the mother would be endangered. Because HHS has not issued any written guidelines in regard to abortion

funding, I will continue to urge President Obama to keep his promise to Congress and issue regulations prohibiting abortion coverage.

Sadly, failure to include statutory language in PPACA has resulted in a lack of clarity on this matter, and this is why I will work to ensure the passage of The Protect Life Act, H.R. 5111, which will guarantee that no tax subsidies can flow to plans that cover elective abortion. Until then, I urge you to abide by the will of Congress and the American people by prohibiting federal funding of elective abortions.

Over the past few weeks, my office has been in contact with Rocky Mountain Health Plans to gather information on the healthcare policy that you will offer Coloradans beginning September 1, 2010. I am disappointed that we have not been given a policy manual, either in draft or final form, that outlines the specifics of the plans offered. In addition, we were also never given an answer to whether or not the plans offered will allow coverage for elective abortions.

Since the issue of federal funding of abortion is of utmost importance to me and the constituents whom I represent in the Fifth District of Colorado, I request the following information by July 28, 2010:

- a) whether a high-risk pool application has been submitted to the Department of Health and Human Services (HHS),
- b) whether an application has been approved,
- c) a copy of the application, either in draft or final form,
- d) the date in which a final form is expected to be completed, and
- e) whether GettingUSCovered will cover elective abortions.

Thank you for your time and attention to this matter. I look forward to hearing from you.

Sincerely,



Doug Lamborn
Member of Congress

Cc:

Ms. Marcy Morrison
Commissioner of Insurance
1560 Broadway, Suite 850
Denver, CO 80202